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District of Arizona  
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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

United States of America,  
  
Plaintiff,  
  
v.  
  
Stevie Gallego,  
  
Defendant.

**COMPLAINT  
(DEBT OWED TO THE UNITED  
STATES)**

Plaintiff United States of America alleges:

**A. Jurisdiction**

1. Because the United States is a party, the District Court has jurisdiction under 28 U.S.C. § 1345.

**B. Venue**

2. Venue properly lies in this District Court pursuant to 28 U.S.C. § 1391(b) because Defendant Stevie Gallego is a resident of Pima County, Arizona.

**C. Factual Background**

3. On March 2, 2014, as Defendant was entering the United States, the U.S. Customs and Border Patrol (“CBP”) caught Defendant with undeclared controlled substances at the Mariposa Port of Entry, Nogales, Arizona.

4. Title 19 U.S.C. § 1497(a) provides that an individual “shall be liable for a penalty,” as administratively determined by the United States.

1           5.     On March 27, 2014, pursuant to 19 U.S.C. § 1497, CBP assessed a civil  
2 penalty for \$125,493.75 against the Defendant. It made a demand on him that same day.

3           6.     The United States, through CBP, issued three Notices of Debt and demands  
4 for payment to Defendant: on May 3, 2014, on May 17, 2014, and on May 31, 2014.

5           7.     On July 14, 2014, the United States, through CBP, issued a Notice to  
6 Defendant encouraging him to file a petition for mitigation with CBP. The notice gave  
7 an expiration date of 30 days from the date of the Notice during which the Defendant  
8 could file a petition. No petition for mitigation was filed by the Defendant within the  
9 deadline or thereafter.

10          8.     On or about October 20, 2015, the United States made a final demand for  
11 the amount of \$125,493.75.

12          9.     To date, no payments have been made on this debt, and a balance remains  
13 due and owing to the Plaintiff of \$125,493.75.

14           **D.     Cause of Action**

15          10.    To date, the debt remains unpaid despite demand for payment.

16          11.    Pursuant to U.S.C. § 3001, et seq., (the Federal Debt Collection Procedures  
17 Act (FDCPA)) provides the procedures for collecting a debt.

18          12.    “Debt” includes an amount owing to the United States on account of a fine.  
19 28 U.S.C. § 3002(3)(b).

20          13.    The FDCPA provides that the Federal Rules of Civil Procedure shall apply.  
21 28 U.S.C. § 3003(f).

22          14.    Therefore, the United States files this Complaint pursuant to Federal Rules  
23 seeking a judgment against Defendant for the fine imposed pursuant to 19 U.S.C. § 1497.

24           **E.     Prayer for Relief**

25          The Plaintiff respectfully requests Judgment against the Defendant in the amount  
26 of \$125,493.75, plus costs and such further relief as the court deems just and reasonable.  
27  
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1 DATED: February 25, 2019

2  
3 ELIZABETH A. STRANGE  
4 First Assistant United States Attorney  
5 District of Arizona

6 *s/ Jeremy J. Butler*  
7 Jeremy J. Butler  
8 Assistant U.S. Attorney  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

**Civil Cover Sheet**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

**The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.**

**Plaintiff**  
(s): **United States of America**

County of Residence: Pima

County Where Claim For Relief Arose: Pima

**Defendant**  
(s): **Stevie Gallego**

County of Residence: Pima

Plaintiff's Atty(s):

**Jeremy J. Butler , Assistant U.S. Attorney  
U.S. Attorney's Office  
405 W. Congress St., Ste. 4900  
Tucson, Arizona 85701-5041  
5206207300**

Defendant's Atty(s):

II. Basis of Jurisdiction: **1. U.S. Government Plaintiff**

III. Citizenship of Principal Parties  
(Diversity Cases Only)

Plaintiff:- N/A  
Defendant:- N/A

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **890 Other Statutory Actions**

VI.Cause of Action: **28:1345 Recovery of Debt to U.S.**

VII. Requested in Complaint

Class Action: **No**  
Dollar Demand: **125000**  
Jury Demand: **No**

VIII. This case is not related to another case.

**Signature: Jeremy J. Butler, AUSA**

**Date: 02/20/2019**

**If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.**

Revised: 01/2014

Customs and Border Protection

Nogales, Arizona

CERTIFICATE OF INDEBTEDNESS

Debtor(s) Name(s) and

Stevie Gallego

Address(es):

1849 W. Riverview St.

Tucson, Arizona 85745

Total debt due United States as of September 26, 2014 \$125,493.75

I certify that Customs and Border Protection records show that the debtor(s) named above is/are indebted to the United States in the amount states above,

The claim arose in connection with penalty case number 2014-2604-300014-01 issued by CBP under the authority of title 19 United States Code section 1497, for failure to declare 19.8 kg marijuana.

Collection efforts made to 1849 W. Riverview St. Tucson, Arizona 85745

03/27/14 a notice of penalty was sent to Mr. Stevie Gallego.

05/03/14 First bill sent to violator.

05/17/14 Second bill sent to violator.

06/14/14 Third bill sent to violator.

07/14/14 Letter sent to violator encouraging petition.

We have sent notice to all known addresses, no response.

CERTIFICATION: Pursuant to 28 USC § 1746, I certify under penalty of perjury that the foregoing is true and correct.



Jane Sears FPFO



(Date)